

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#1

In re PATENT APPLICATION of

Sean J. WILLEMS et al.

Application No. 09/971,114

Filed: October 5, 2001



Group Art Unit: 2163

Examiner: Unknown

Title: SYSTEM AND METHOD FOR DETERMINING THE
OPTIMUM CONFIGURATION STRATEGY FOR SYSTEMS
WITH MULTIPLE DECISION OPTIONS

* * * * *

December 28, 2001

INFORMATION DISCLOSURE STATEMENT

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:—

Attached is Form PTO-1449 listing the enclosed document.

This IDS is being filed within three months of the filing date of the application and before the issuance of a first Office Action on the merits, therefore, no fee is due. Should a first Action on the merits have been issued on the same day or before this Information Disclosure Statement is filed, please accept this Information Disclosure Statement under Rule 97(c) and charge the requisite Rule 1.17(p) fee to our Deposit Account No. 03-3975 under Order No. 82106/274056 and proceed to consider this Information Disclosure Statement.

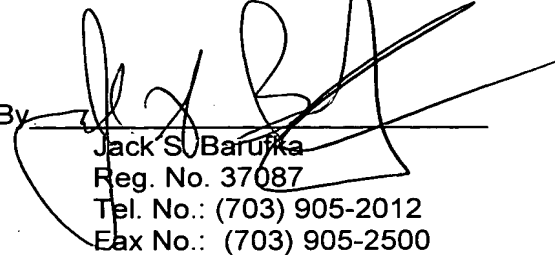
This IDS is intended to be in full compliance with the rules, but should the Examiner find any part of its required content to have been omitted, prompt notice to that effect is earnestly solicited, along with additional time under Rule 97(f), to enable Applicant to comply fully.

Consideration of the foregoing and enclosures plus the return of a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column per MPEP 609 along with an early action on the merits of this application are earnestly solicited.

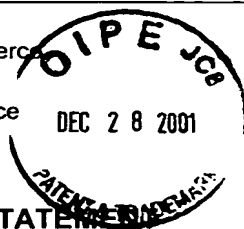
Respectfully submitted,

PILLSBURY WINTHROP LLP

By


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| Atty. Dkt. No. | M# | Client Ref. |
| | 274056 | |

**INFORMATION DISCLOSURE STATEMENT
 BY APPLICANT**

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| Applicant: Sean P. WILLEMS |
| Appln. No.: 09/971,114 |
| Filing Date: October 5, 2001 |

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|-------------------------|-------------|-------------------|----------------------|
| Date: December 28, 2001 | Page 1 of 3 | Examiner: UNKNOWN | Group Art Unit: 2163 |
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U.S. PATENT DOCUMENTS

| Examiner's Initials* | | Document Number | Date MM/YYYY | Name (Family Name of First Inventor) | Class | Sub Class | Filing Date (if appropriate) |
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| | | | | | | Enclosed | No | Enclosed | No |
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| | ZR | | | | |
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| Examiner | Date Considered: |
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*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



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Dkt. No.

M#

Client Ref.

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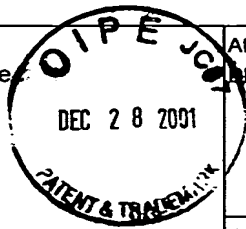
OTHER (Including in this order Author, Title, Periodical Name, Date, Pertinent Pages, etc.)

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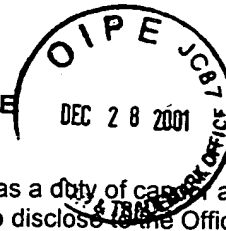
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Rule 56(a) & (b) = 37 C.F.R. 1.56(a) & (b)
PATENT AND TRADEMARK CASES - RULES OF PRACTICE
DUTY OF DISCLOSURE



- (a) ...Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the [Patent and Trademark] Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability... (b) information is material to patentability when it is not cumulative and (1) It also establishes by itself, or in combination with other information, a prima facie case of unpatentability of a claim or (2) refutes, or is inconsistent with, a position the applicant takes in: (i) Opposing an argument of unpatentability relied on by the Office, or (ii) Asserting an argument of patentability

PATENT LAWS 35 U.S.C.

§102. Conditions for patentability; novelty and loss of right to patent

A person shall be entitled to a patent unless--

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months* before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- (f) he did not himself invent the subject matter sought to be patented, or
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

§103. Condition for patentability; non-obvious subject matter

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made. . . .
- (c) Subject matter developed by another person, which qualified as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

* Six months for Design Applications (35 U.S.C. 172).